

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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NINA STRASS and ALLAN GOLD,

14-CV-6924-PKC-VMS

Plaintiffs,

**RESPONSE TO POST-DEPOSITION  
DEMAND PURSUANT TO RULE 34 OF  
THE F.R.C.P.**

-vs-

COSTCO WHOLESALE CORPORATION,

Defendant

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COUNSELORS:

Defendant COSTCO WHOLESALE CORPORATION (hereinafter “Costco”), by its attorneys, Wilson Elser Moskowitz Edelman & Dicker LLP, for its Response to Plaintiff’s First Request for Production of Documents sets forth as follows:

**Request #1:**

Full name, address, work title of “Kimani/Kumani”, manager or Assistant Manager working on subject date of accident.

**Response to Request #1:**

Kimani Edwards is currently employed as a Membership Manager at the North Brunswick Costco warehouse located at 100 Grand Avenue, North Brunswick, New Jersey, 08902. Attached hereto is an Affidavit executed by Mr. Edwards pursuant to the Conference Order of Judge Scanlon dated September 29, 2015 confirming that he neither saw the incident in question nor did he discuss the incident with the plaintiff.

Defendant Costco reserves its right to supplement and/or amend this Response up to and including the time of trial in accordance with the Federal Rules of Civil Procedure.

Dated: New York, New York  
October 12, 2015

Yours, etc.,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By: /s/ Rachel A. Rubin  
Rachel A. Rubin, Esq.  
Attorneys for Defendant  
COSTCO WHOLESALE CORPORATION  
150 East 42<sup>nd</sup> Street  
New York, New York 10017  
(212) 490-3000  
Our File No.: 15805.00010

TO: LOZNER & MASTROPIETRO  
Attorneys for Plaintiffs  
1901 Emmons Ave., Suite 206  
Brooklyn, New York 11235  
(718) 615-0044  
Attn: Michael Byk, Esq.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
NINA STRASS AND ALLAN GOLD,

Plaintiff,

14-CV-6924-PKC-VMS

-against-

COSTCO WHOLESALE CORPORATION,

AFFIDAVIT OF KIMANI  
EDWARDS

Defendant.

-----X  
STATE OF NEW JERSEY )  
                          )  
                          ss.  
COUNTY OF MIDDLESEX )

I, Kimani Edwards, being duly sworn, deposes and says:

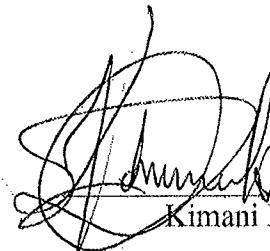
1. I am over eighteen (18) years of age. I am a citizen and resident of the State of New Jersey, United States.
2. I am currently the Membership Manager at the Costco warehouse located at 100 Grand Avenue, North Brunswick, New Jersey 08902. I held this position on August 23, 2014.
3. On the afternoon of August 23, 2014, while on duty at the front end of the warehouse, I was advised that a member was injured and required assistance in the food court area. I do not recall who notified me of this incident.
4. I arrived at the food court area of the warehouse and observed Ms. Strass sitting at a table in the food court with an apparent injury to her hand.
5. I accompanied Ms. Strass to an office area in the front end of the warehouse.
6. There, I provided her with a Member Incident Report to complete and remained with her until Emergency Medical Services arrived.
7. Ms. Strass did not communicate to me where or how the injury to her hand

occurred.

8. I did not witness Ms. Strass' fall.
9. I have no personal knowledge of where she allegedly fell.
10. I have no personal knowledge of what allegedly caused her to fall.
11. I did not inspect the area where the fall allegedly took place.
12. Further, your affiant sayeth naught.

Sworn to before me this 8 day of October 2015

Christine Millroy (Notary Public)



Kimani Edwards



**AFFIDAVIT OF SERVICE BY MAIL**

STATE OF NEW YORK )  
                          )  
                          ) ss.:  
COUNTY OF NEW YORK )

NORMA CARRASCO, being duly sworn, deposes and says: that deponent is not a party to this action, is over 18 years of age and resides in Queens County, New York.

On the 12<sup>th</sup> day of October 2015, deponent served the within document(s) entitled

**RESPONSE TO POST-DEPOSITION DEMAND PURSUANT TO RULE 34 OF  
THE F.R.C.P.**

upon:

LOZNER & MASTROPIETRO  
Attorneys for Plaintiffs  
1901 Emmons Avenue, Suite 206  
Brooklyn, New York 11235

at the address(es) designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a postpaid, properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Post Office within the State of New York.



NORMA CARRASCO

Sworn to before me this  
12<sup>th</sup> day of October, 2015

  
\_\_\_\_\_  
Notary Public